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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Children and juveniles in detention

Report of the Secretary-General pursuant to Commission on Human Rights resolution 1995/41

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INTRODUCTION

1. The present report is submitted by the Secretary-General in accordance with paragraph 15 of Commission on Human Rights resolution 1995/41 of 3 March 1995, entitled "Human rights in the administration of justice, in particular of children and juveniles in detention". In paragraphs 9, 10, 11 and 12 of that resolution, the Commission called upon all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice; urged States that the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty be fully taken into account in their national legislation and practice and that they be widely disseminated; also urged States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should only be used as a measure of last resort; and invited Governments to provide training in human rights and juvenile justice to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including police and immigration officers.

2. The Secretary-General invited Governments, by note verbale of 17 August 1995, to provide relevant information. As of 1 December 1995, the Governments of Angola, Ethiopia, Malta, Philippines, the Slovak Republic, Ukraine and Uruguay had sent such information. Replies were also received from the Governments of Mexico, the Russian Federation, South Africa and Thailand pursuant to Sub-Commission resolution 1994/9 of 19 August 1994, entitled "Situation of children deprived of their liberty". Since the latter replies were received after the pertinent note of the Secretary-General (E/CN.4/Sub.2/1995/30 and Add.1) had been issued, they have been included in the present report.

3. The Governments of Denmark and the United Kingdom of Great Britain and Northern Ireland referred the Centre for Human Rights to the initial reports of Denmark (CRC/C/8/Add.8) and the United Kingdom (CRC/C/11/Add.1) to the Committee on the Rights of the Child. In addition, the Government of the United Kingdom referred to the summary records (CRC/C/SR.204-206) of the examination of the United Kingdom's report by the Committee on the Rights of the Child, which contained up-to-date information on the treatment of juveniles in detention.

4. Requests for information were also sent, on the same date, to the relevant human rights treaty bodies, the specialized agencies and intergovernmental and non-governmental organizations. As of 1 December 1995, information had been received from the Chairman of the Committee on the Rights of the Child.

5. Attention may be also drawn to the report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995 (A/CONF.169/16). The Congress adopted two resolutions relating to children and juveniles as victims and perpetrators of crime, which were reproduced in the annex to the note by the Secretary-General to the Sub-Commission (E/CN.4/Sub.2/1995/30).

I. INFORMATION RECEIVED FROM GOVERNMENTS

Angola

[31 October 1995]
[Original: French]

6. The Government of Angola shares your concerns at the situation of children deprived of their liberty and has the honour to inform you that no children or minors are deprived of their liberty in Angola. The Angolan Government has established institutions such as the Institute for Assistance to Minors to educate young offenders and turn them to society; it has had some very good results. The Government realizes that every child or juvenile in conflict with the law must be treated in a manner compatible with his or her dignity and needs, and gives high priority to the promotion and protection of all the rights of children and juveniles in the administration of justice.

7. The Government of Angola assures you of its support for your efforts to provide every child, whatever his or her situation, with the basic right to enjoy life, liberty and all other human rights. It pledges that the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty will be fully taken into account in its national legislation and practice and will be widely disseminated.

8. The Government of Angola also pledges to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should only be used as a measure of last resort, and to provide training in human rights and juvenile justice to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including police and immigration officers.

Ethiopia

[15 November 1995]
[Original: English]

9. In Ethiopia, cases of child offenders are heard both in regular courts and in a juvenile court that was established in 1959, prior to the issuance of the Criminal Procedure Code of 1961. This court was empowered to hear and decide cases of child offenders.

10. In the Ethiopian penal system, there is a special section of the penal laws containing both substantive and procedural rules designed for juvenile offenders. Likewise, there are special sections of the procedural law designed for juveniles. This indicates the commitment of the Ethiopian State to the introduction of penal legislation to afford protection to children against all forms of malicious treatment and exploitation by parents, guardians or other members of society.

11. Basically, parents or guardians are authorized by law to take correctional and disciplinary measures against their children to ensure their upbringing. However, such acts as ill-treatment, deliberate neglect, overtasking or beating in such a way as to affect or endanger gravely the physical and mental development or health of children under 15 years of age in the name of proper upbringing is punishable.

12. In providing for the protection of children from any sort of abuse, violence, neglect, maltreatment and exploitation the penal legislation of Ethiopia has sufficiently covered almost all foreseeable conditions to safeguard the rights of children.

13. Moreover, Ethiopia has ratified the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, and made it into law through proclamation No. 10/1992. This document is instrumental in spearheading the commitment of the nations of the world to giving every child a better future.

14. The civil and political rights of the child and the rights of the child to basic freedoms were recognized in Ethiopia as constitutional principles years ago. However, in the previous Ethiopian constitutions there were arbitrary restrictions on the fundamental freedom of children. Such restrictions have already been removed by the Transitional Period charter and by the new Constitution of the Federal Democratic Republic of Ethiopia, respectively, endorsing the universal Declaration of Human Rights. The ratification and endorsement of these basic human rights instruments and the Convention on the Rights of the Child, have a bearing on the existing administration of justice in Ethiopia.

15. The newly adopted Constitution of Ethiopia has a separate section on the protection of the rights of the child. Under article 36 of the Constitution the following is stated:

"1. Every child has the following rights:

(a) The right to life;

(b) The right to name and nationality;

(c) The right to know and to be cared for by his parents or legal guardians;

(d) The right to be protected from labour exploitation and not to be forced to undertake work that may harm his education, health and well-being;

(e) The right to be free from harsh or inhuman punishments that may be inflicted on his body, in schools or child-care institutions."

16. The Civil Code of 1960 and the labour law (proc 42/93) of Ethiopia also have adequate provisions for the protection of children and young persons from maltreatment and work that endangers their life or health.

17. The Penal Code of Ethiopia classifies children under 18 years of age into three categories: infants, young persons and offenders over 15 years of age. Infants refer to children under 9 years who are not responsible for their deeds, while young persons are those aged 9 to 15, who are to some extent responsible for their deeds, but not like adults. This group shall not be kept in custody with adult offenders and measures would be taken only if the young offender is convicted.

18. Offenders who are over 15 and under 18 years shall be tried under the ordinary provisions of the Penal Code. But, considering the conditions pertinent to the offender, the court applies special penalties that are applicable to young persons below 15 years of age to this group as well.

19. In all the above-mentioned issues, in assessing the sentence the court shall take into account the age, character and degree of mental and moral development of the young persons, as well as the educational value of the measures to be applied. In view of this, the order given by the court can always vary to ensure the best possible treatment.

20. The measures to be taken for young persons have several steps and are aimed at best ensuring the well-being of the child. According to the Penal Code of Ethiopia issued in 1957, after conducting inquiries and studying the young offender, the court can order the young offender:

(a) To a suitable institution, if he is feeble minded, blind, deaf or insane, so that he can receive medical care;

(b) To receive supervised education through relatives, guardian, reliable family, home or organization if he is morally abandoned or in need of care and protection;

(c) A reprimand, if and when applicable;

(d) To a corrective institution for correction and rehabilitation, where he shall be given moral and vocational education.

21. However, there is only one corrective institution for the whole country, in Addis Ababa. This corrective institution/remand home is only for boys. Of course, according to the head of the remand home, there is a plan to establish corrective institutions for young girl offenders and also to increase the capacity of the existing remand home for boys. There is a special court for young offenders, situated in the remand home itself. The corrective institution provides the young offenders with all the necessary supplies, such as clothes, food, shelter, etc. They are given counselling in groups or individually by trained social workers, though there is a shortage of professional staff. The young offenders shall be given education service (1st-8th grade) in the remand home.

22. A young offender stays in the remand home not less than one year, but not more than 5 years, and of course in no case beyond 18 years. The judgement shall fix the duration in each case and probation release may be applied for.

Moreover, such curative measures ordered by the court cannot be considered as sentences under criminal law for a young offender. His deeds cannot follow him, even for a short period. Hence, he could have a clean record.

23. In general, the administration of justice in the country gives special protection to the physical, mental and material well-being of children. Hence, young offenders are treated in a manner appropriate for their well-being and the whole concept of making them stay in a corrective institution is to rehabilitate and enable them to be productive elements of society. To this end, article 40 of the Convention on the Rights of the Child is highly emphasized to avoid measures being taken that could affect the dignity and basic rights of children and juveniles.

Malta

[8 November 1995]
[Original: English]

24. The new Prison Regulations, which came into force on 1 October 1995, provide for the protection of juvenile prisoners. These are:

Under Regulation 4 (4)

The Director shall forthwith inform the Minister of any case in which a person under 18 years of age is admitted to prison;

Under Regulation 12 (4)

Prisoners under 21 years of age shall be kept under conditions which take account of the needs of their age and protect them from harmful influences;

Under Regulation 61 (1) (e)

Prison leave for such periods as may be required for young prisoners to spend a part or the whole of their term of imprisonment in a young offenders' rehabilitation institution or in a similar facility, as approved by the Minister.

25. The Master Plan for the Prisons includes a Young Offenders Unit to accommodate young offenders between 16 and 21 years of age. It will have educational classrooms and an outside leisure area. It is to be sited remote from the main prison, and close to the Sports Centre to encourage leisure activities.

26. The Department of Education has adapted the Mtahleb School as an Adolescent Rehabilitation Centre on a residential basis for boys between 13 and 16 years who are early offenders. The aim of the rehabilitation programmes at the Centre is to enable them to become discerning persons, sensitized to victims' distress, who have overcome the forces leading them to social offences, have developed coping skills and job skills and developed a new, socially viable lifestyle.

Mexico

[31 July 1995]
[Original: Spanish]

27. The Council for Juvenile Offenders of the Ministry of the Interior is the State body responsible for the care and social rehabilitation of juvenile offenders; the Public Prosecutor's Office is required to place juveniles in respect of whom preliminary investigations have begun at the Council's disposal.

28. The 1991 Law on the Treatment of Juvenile Offenders, applicable throughout the Republic in federal matters and within the Federal District in non-federal matters, contains the principles and safeguards that have been developed for these matters in the international sphere.

29. The Law is based in particular on the concepts and principles set forth in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines).

30. The legislation in force guarantees full respect for the human rights of minors subject to proceedings by the bodies responsible for the administration and enforcement of justice.

31. Reproduced below are articles 1 to 3 and 5, paragraph 3, of the Law on the Treatment of Juvenile Offenders, which contain the underlying philosophy of this piece of legislation.

> "Art. 1. The purpose of this Law is to govern the function of the State in protecting the rights of minors and rehabilitating those guilty of an offence under federal and Federal District criminal laws; it is applicable within the Federal District in non-federal matters and throughout the Republic in federal matters.
>
> Art. 2. This Law shall be so enforced as to guarantee full respect for the rights laid down in the Constitution of the United Mexican States and international treaties. The officials responsible shall be encouraged and monitored in their enforcement of these rights and shall always endeavour to apply the relevant legal and material measures properly, in order to prevent any violation and, if necessary, to restore to the minor the enjoyment and exercise of his or her rights. The foregoing is without prejudice to the application to anyone who infringes the criminal or administrative law of the penalties laid down therein.
>
> Art. 3. A minor charged with committing an offence shall receive fair and humane treatment; subjecting him or her to ill-treatment, detention incommunicado, psychological pressure or any other treatment that might be harmful to his or her dignity or physical or mental integrity is therefore prohibited.

> Art. 5. The following shall be the functions of the Council for Juvenile Offenders:
>
> [...] (3) To see to the legality of proceedings and respect for the rights of minors subject to this Law ... ."

32. To ensure full effect to these provisions, an agreement was enacted on 20 August 1993 containing standards for the operation of diagnostic centres and treatment centres for minors, the second preambular paragraph of which reads as follows:

> " ... Considering that it is necessary to regulate the operation of diagnostic centres and treatment centres for minors, ensuring that they maintain the strictest respect for human rights and establishing them as effective humanitarian institutions providing minors with what they need in order to have the prospect of a creative, worthy ad productive life when they rejoin their families and society. Thus the conventional notion of punishment as the only way to deal with offenders can give way to that of the fragile but hopeful social group.
>
> Also considering that it is in the public interest to modernize the centres' operations so that they can respond to the complex problems of minors in one of the largest cities in the world; thus continual training and refresher training must be given to the technical and administrative staff responsible for returning the minors to society; ..."

33. Consequently the Government of Mexico has been striving to ensure that minors deprived of their liberty are given decent treatment in the diagnostic centres and treatment centres.

34. The formulation of a series of national policies relating to juvenile offenders, with which it is hoped to improve the system of justice, has begun. One of these policies consists in the preparation of a comprehensive code of justice for juvenile offenders, specifically designed for use in the juvenile justice framework, in order to avoid resorting to legislation originally designed to govern criminal proceedings involving adults.

35. In addition, various programmes have been established to benefit minors deprived of their liberty, such as Sunday visits by the defence lawyers officially appointed by the Council for Juvenile Offenders, to provide legal guidance for minors in treatment centres and their relatives. This programme ensures that young inmates will receive continuing guidance and assistance from an officially-appointed children's counsel even during the period when a treatment measure is being carried out.

36. The treatment applied to an institutionalized minor is aimed at social rehabilitation. Detection of the cause of the offending behaviour and treatment to combat and resolve the problems through phased comprehensive, interdisciplinary support is the mechanism that makes it possible to provide institutionalized minors with the biopsychosocial elements they need to readjust to society.

37. Vocational and academic training programmes also contribute to the process of rehabilitating young offenders, since they provide the children with additional tools for re-entering society as useful and productive individuals on leaving the treatment centres. The training furnished currently takes the form of workshops in such areas as baking, computer operation, hairdressing, sewing, pastry making, carving, painting, shorthand typing, carpentry, printing and domestic science.

38. Programmes to encourage minors deprived of their liberty have been started; they entail a gradual return to society and the family milieu through changes in the institutionalization regime to allow the children out on weekends and holidays, or out on work days while keeping them in the institution on weekends and holidays. These arrangements allow progress in overall treatment to be built upon while avoiding maladjustment and potential recidivism by minors on release, and are an important incentive to good behaviour in the treatment centre.

39. It is necessary to make further progress, overcome outdated approaches and make good legal and operational shortcomings. Nevertheless, the situation of minors deprived of their liberty has improved significantly in recent years.

Philippines

[23 November 1995]
[Original: English]

40. The promotion and protection of the rights of the child and juveniles in the administration of justice is part of the continuing joint advocacy programme of the Department of Social Welfare and Development, the Council for the Welfare of Children, the National Police Commission's Technical Panel on Crime Prevention and Treatment of Offenders, local government units and non-governmental organizations, such as the Philippine Action for Youth Offenders, Caritas and the Integrated Correctional Association of the Philippines.

41. Advocacy efforts are geared towards a better understanding of the justice system, including the interrelationships of the five pillars (i.e. law enforcement, prosecution, courts, correction and the community) particularly where the child and youth are involved, and the rights, treatment and rehabilitation of a child in conflict with the law, in accordance with the Philippine Child and Youth Welfare Code (PD 603), Special Child Protection Act (RA 7610), the Convention on the Rights of the Child and other United Nations international instruments.

42. Advocacy is undertaken through the media, dialogues, seminars, workshops and group/panel discussions, inter alia. The audience includes policy-makers, service providers, parents, the children/youth themselves, members of the five pillars and the community in general.

43. The country celebrated for the first time on 23-29 October 1995, and will celebrate every year henceforth, the National Correctional Consciousness Week, to bring to the awareness of the populace the plight of persons detained in correctional institutions or in community-based correctional services. A permanent secretariat, composed of government and non-government agencies, including church groups, was created by the President in an executive order.

44. Advocacy is being carried out with city, municipal, provincial and national officials for separate detention cells for youth offenders, as provided for by the Child and Youth Welfare Code, as well as the creation of Child and Youth Relations Sections in highly urbanized areas.

45. Moreover, we wish to refer to paragraphs 211 to 221 of the Philippine initial report on the implementation of the Convention on the Rights of the Child (CRC/C/3/Add.23), dated 3 November 1993. These paragraphs enumerate the laws, measures and institutional arrangements governing children in conflict with the law. They also set out the difficulties and priorities in implementing such laws and measures.

46. Recognizing the need to update the Child and Youth Welfare Code, the Department of Social Welfare and Development (DSWD) drafted a bill entitled "A comprehensive juvenile justice system" which is now before both Houses of Congress for deliberation. The significant features of the proposed bill are in consonance with the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Included are the following:

(a) Increasing the age of criminal responsibility from 9 years to 12 years;

(b) Creating a child and youth relations section in police stations and conducting training for police officers;

(c) Special prosecutors for youth, who will undergo special training;

(d) Creation of child and family courts in selected areas, with judges specially trained to handle child and family relations cases, including youth offenders/children in conflict with the law;

(e) Separate detention centres for young offenders;

(f) Strengthening community services for prevention and after-care services for children and youth.

47. The bill has been included in the President's legislative agenda for the Tenth Congress. Strong advocacy and lobbying are needed by all concerned agencies and individuals.

48. The Implementing Rules and Regulations for Youth Offenders based on the Child and Youth Welfare Code were promulgated by the Council for the Welfare of Children after a series of consultations. The different United Nations instruments were considered during the drafting of the said rules and regulations.

49. A National Consultation on Children in Conflict with the Law, with the five pillars in attendance, was held in October 1994 in Manila. The different local and international laws/instruments were discussed/disseminated.

50. Continuing dialogue at the regional, provincial and city levels on the juvenile justice system is regularly undertaken through the initiatives of the DSWD Field Offices.

51. The United Nations instruments and the Convention on the Rights of the Child are disseminated/discussed during training, workshops, seminars and other activities at all levels.

52. There are policies/schemes/arrangements available to ensure that depriving the liberty of a child/youth is a last resort. Diversion and mediation are used to divert the young offender from entering the juvenile justice system through amicable settlement and by maximizing the village justice system. The social worker mediates on behalf of the child/youth who may be released to his/her parents or a responsible member of the community under the supervision of the DSWD. Release on recognizance of a youth enables him/her to be released, after apprehension, to his/her parents or a responsible member of the community rather than being detained in jail. The social worker conducts a case-study and recommends to the Committee release of the youth while waiting arraignment or trial. The youth's presence for the court hearing is ensured. Through this intervention, the youth is kept away from the influence of adult criminals in jail where there are no separate cells for youths. It likewise prevents unnecessary delay or interruption in the youth's schooling or employment, minimizing the stigma attached to detention. Further, such action also facilitates speedy trial, as the youth is already in the community.

53. Custody supervision of a youth under suspended sentence may be ordered by the court to enable the youth to undergo rehabilitation in the custody of his/her family or a responsible member of the community, subject to the visitation and guidance of the social workers.

54. A youth's suspended sentence may also be served in a rehabilitation centre run by the Department of Social Welfare and Development.

55. The following statistics show that 88 per cent more non-institutional or community-based services are provided to young people than institutional/centre-based services.

Data on youth offenders served by DSWD
1994-1995

Services provided	Year		
	1994	1995 January-October	Total
Non-institutional or community-based services	9 580	6 400	15 980
Institutional or centre-based services	751	1 100	1 851
T O T A L	10 331	7 500	17 831

56. Social workers conduct periodic visits to the jails to monitor if there are youth offenders and to immediately act on their cases, the Commission on Human Rights and the NGOs also conduct their own jail visitations.

57. Please also see paragraphs 216-218 of the Philippine report (CRC/C/3/Add.23) for measures the Philippine Government has undertaken with respect to deprivation of the liberty of children and juveniles as a measure of last resort.

58. The Philippines has intensified its special training of the members of the five pillars of the juvenile justice system. Training programmes are conducted by various institutions, such as the Philippine Commission on Human Rights, the Philippine National Police, the different executive departments of Government and non-governmental organizations. Examples are the following:

(i) Training of social workers, law enforcers, police and other social welfare service providers, by the Department of Social Welfare and Development/National Project on Street Children, in coordination with the National Police Commission and the Philippine National Police, in handling cases of children in especially difficult circumstances, including children in conflict with the law.

(ii) A police handbook on the management of cases of children in conflict with the law was developed and adopted by the Department of Social Welfare and Development, the National Council for Social Development and the Philippine National Police, in cooperation with UNICEF.

(iii) The Department of Social Welfare and Development participates in the training of jail wardens and other custodial personnel of correctional institutions/jails on the rights and rehabilitation of youth offenders.

(iv) The Philippine Commission on Human Rights complements these efforts by conducting continuing training for military and law enforcement agencies on human rights and other United Nations instruments/treaties. They have also worked out with

the Philippine National Police Academy the inclusion of a module on human rights; while the Department of Social Welfare and Development has advocated with the Philippine Commission on Human Rights an enriched module on juvenile justice.

(v) In 1992, a seminar-workshop on "The child in the justice system" was held and participated in by judges, lawyers, prosecutors, social workers and police officers. The same group of professionals also participated in the National Consultations on Children in Conflict with the Law in 1994.

(vi) A book on the child and the justice system was published by the Foundation for the Advancement of the Interests and Rights of the Child (FAIRCHILD) as a reference for judges, prosecutors, police and social workers.

Russian Federation

[6 October 1995]
[Original: Russian]

59. Minors sentenced to deprivation of liberty undergo their punishment in educational labour camps operated by the Ministry of Internal Affairs of the Russian Federation.

60. As of 1 June 1995 there were 60 such camps, with a total capacity of 32,000 inmates, in operation in Russia. Most are not full.

61. In legal status and in the legislative regulation of their operations, the institutions where minors undergo criminal punishment in the form of deprivation of liberty conform to the Convention on the Rights of the Child and the Standard Minimum Rules for the Treatment of Prisoners.

62. The camps are set up specially and exclusively for minors, thus ensuring that minors are kept separate from adults.

63. Convicted minors have the status of wards, which is what they are officially called. They are maintained and receive medical care free of charge. Arrangements are made at the camps for providing vocational training and secondary-level education.

64. The detention regime in educational labour camps is substantially less stringent than in camps for adults.

65. The current Corrective Labour Code of the RSFSR lays down standards ensuring a humane regime and humane conditions for the detention of wards, who are offered improved housing and living conditions and improved standards of nutrition. Wards are entitled to 12 meetings with their parents in the course of a year and may over the same period receive 12 parcels or packages. They are accorded the right to leave the camp for a period of annual vacation.

66. Parents' councils and committees operate at educational labour camps, overseeing the activities of the administration to some extent and helping to establish an atmosphere of glasnost.

67. Under the law, educational labour camps are monitored by local authorities' commissions on minors' affairs, which take steps to ensure the most extensive possible exercise and protection of wards' rights. The camps are under the constant supervision of the public prosecutor.

68. The State Duma of the Federal Assembly of the Russian Federation is currently considering a draft penal enforcement code, which calls for yet more humane conditions for minors in detention, a wider range of entitlements and additional safeguards to ensure that they can be exercised.

Slovak Republic

[21 November 1995]
[Original: English]

69. Article 41 of the Constitution of the Slovak Republic guarantees special protection to children and juveniles. Marriage, parenthood and the family are protected by law in the Slovak Republic. Parents have the right to care for their children and for their upbringing, and children are entitled to parental upbringing and care. The upbringing of children and care for their successful development is a central point of permanent interest in society. Any necessary interventions in the care of children by society, whether executed by a court or a different entity, must be accomplished by methods as considerate and suitable as possible. The Family Act delimits, in its article 43, the jurisdiction of local child-care authorities in matters relating to such interventions, primarily executed by methods influencing parents and children both morally and socially.

70. Parental rights may only be restricted, and minors may only be separated from their parents against the wishes of the latter by a court decision based on the law. Article 44 of the Family Act enumerates all the possibilities for court intervention in matters of parental rights and obligations, simultaneously determining those measures applicable in cases where parental rights are not being properly executed.

(i) Courts may restrict parental rights in cases where serious obstacles restrain parents from exercising their rights and duties and in the interests of society in the proper care for children.

(ii) Courts shall restrict parental rights in cases where parents have not been properly exercising their parental rights or duties, and in the interests of society in the proper care for children.

(iii) Courts shall divest parents of their parental rights in cases where such rights were misused, or parental duties gravely neglected.

71. The Family Act, in its article 45, stipulates institutional care for children as the gravest measure available to courts. Such care can only be ordered by a court when other social measures are clearly insufficient to

rectify a particular situation. This means that institutional care would be ordered for minors whose defects originate in insufficient family care or in cases where minors were threatened, physically as well as morally, in their present environments. However, courts always examine (art. 45) whether in such cases upbringing in a different family of a decent citizen able to provide proper care, rather than institutional care, would be in the interests of the child.

72. Institutional care for children is provided in children's homes or in specialized institutions administered by the Ministry of Education. Children's homes accept children committed to institutional care by courts or those who must be immediately afforded substitute family care until a court decision can be reached. Homes for juveniles accept minors with adaptation difficulties committed to institutional care by a court decision, arrived at on the basis of a complex examination resulting in findings of disturbed personality, or minors whose protective care was ordered by the court.

73. Pursuant to article 86 of the Penal Code, courts in civil proceedings shall order protective care for minors having completed the twelfth year of life and less than 15 years old who have committed a criminal offence punishable by an exceptional punishment pursuant to the Penal Code. Protective care may also be ordered in cases when necessary to provide proper care for a minor younger than 15 who has committed an act which would otherwise be qualified as a criminal offence.

74. Protective care is provided in homes for juveniles accepting minors with adaptation difficulties committed to institutional or protective care. Care for such young people committed to protective care, repeat offenders and minors with a multiple escape history is provided in strict-regime protective homes for juveniles.

Specific methods of juvenile criminal prosecution in the Slovak Republic

75. The philosophy underlying the criminal prosecution of juvenile offenders is based on the fact that juveniles are persons lacking experience in life, whose adolescence is accompanied by substantial personality changes. Thus juveniles, although more easily prone to succumb to the influence and entrapments of their environment on the one hand, are more easily accessible by educational influences on the other hand. Criminal prosecution of juveniles is therefore arranged differently from general criminal liability.

76. The specific methods of juvenile criminal prosecution have a long tradition. They were part of the preceding penal legislation and were adopted without change by amendments effective from 1 October 1994 (Penal Code - 248/94 - and Rules of Criminal Proceedings - 247/94).

77. Specifically, juvenile criminal prosecution methods are embodied in articles 290 to 301 (Schedule 7, General Part) of the Penal Code. All these stipulations emphasize educational orientation in the criminal prosecution of juveniles as the common objective.

Criminal liability

78. Criminal liability (art. 11 of the Penal Code) applies to persons having completed 15 years of life. Persons who have completed their fifteenth year of life and are less than 18 years old are juveniles, even if acquiring adult status by special legislation (e.g. by marriage) before completion of their eighteenth year of age.

The Penal Code in relation to juveniles

79. In its general stipulations, article 74 establishes the principle that, if no particular clause is specified by Schedule 7, General Part of the Penal Code, other stipulations of the Code remain applicable to juveniles.

80. Pursuant to article 76 of the Penal Code the purpose of punishment of juveniles is primarily that they should reach adulthood as decent citizens, taking their personal characteristics, family care and original environment into consideration.

81. Following the hearing of the matter and the passing of a verdict on the guilt of a juvenile, courts may:

(i) Refrain from imposing punishment (art. 77 of the Penal Code);

(a) When they accept a guarantee of reform,

(b) When they find that reform would be better accomplished by protective care as opposed to a penalty;

(ii) Establish a penalty;

(iii) Commit the juvenile to protective care, either independently of or in combination with a penalty.

Penalties (art. 78)

82. Juveniles may be only punished by imprisonment, confiscation of objects, expulsion and - if gainfully employed - by financial penalty. Prohibition of activities may be imposed only if such penalty would not interfere with the vocational training of the juvenile, and in any case its upper limit must not exceed five years. Article 79, paragraphs 1 to 3 of the Penal Code stipulate that the duration of prison sentences of juveniles must be reduced to one half of the range of sentences specified for the particular offences and applicable to adults; however the upper limit of such range must not exceed five years, and the lower limit one year.

83. In cases of offences punishable by exceptional punishment (defined in article 29 of the Penal Code as 15 to 25 years or life imprisonment) juveniles may be sentenced to imprisonment for 5 to 10 years.

84. Article 81 of the Penal Code stipulates that persons not having completed their eighteenth year serve sentences of imprisonment in penitentiaries for juveniles. Courts may decide that this stipulation would also apply to

juveniles who have already reached the age of 18, taking the length of the sentence and the mental state of the juvenile into proper consideration. (The age limit of 18 years relates to the time of sentencing, not to the time when the offence was committed).

85. In cases of suspended sentence (art. 82), courts specify a probation period of between one year and three years (one to five years in the case of adult offenders). Courts may maintain suspension of the sentence in cases of juveniles who gave cause for the sentence to be executed but had not yet completed their twentieth year at the time. In such cases the probation period may be extended, but by no more than two years.

Article 84 of the Penal Code - Protective care

86. Courts sentencing juveniles may commit them to protective care in the following cases:

Absence of proper care for the juvenile;

Neglect of the juvenile in the past;

When so required by the life circumstances of the juvenile.

87. Protective care of juveniles is executed in specialized establishments, administered by the Ministry of Education. Vocational training is available for the inmates. The duration of protective care is as required, but until attainment of the age 18 by the juvenile, at the latest; courts may however decide on an extension, in the interests of inmates, until completion of their nineteenth year.

Article 87. Eradication of conviction

88. Courts have the authority to order that the conviction be eradicated from the records of juveniles after their release from prison, taking into account their behaviour during imprisonment.

89. The pronouncement, by a court, of satisfactory behaviour during probation of a juvenile released from prison on parole has the effect of eradicating the sentence from his records.

90. Execution of financial penalties and of prohibition of activities also have eradicative effects. In the case of penalties imposing confiscation of objects they are eradicated from the records with effect from the day the verdict came into effect.

Rules of criminal proceedings

91. These rules govern the procedural status of juveniles. The specificities of the proceedings applicable to juveniles are as follows:

92. Juveniles must have defence counsel before accusation (art. 271).

93. Juvenile criminal proceedings must establish as thoroughly as possible the level of intellectual and moral development of juveniles, their character, life circumstances and environment of care, as well as their behaviour before the offence was committed. Establishment of the life circumstances of juveniles is usually the responsibility of the child-care authorities.

94. Juveniles may be placed in custody only if the objective of that custody cannot be reached by other means (art. 293).

95. If required in the interests of the juvenile, a change of venue of the proceedings to the district of residence of the juvenile is possible.

96. A trial cannot be held in the absence of the accused juvenile. The child-care authorities must be notified of such trials or public sessions, and the charge-sheet delivered to them.

97. Courts may order exclusion of the public from trials if it is to the benefit of the juvenile. They may also order removal of juveniles from the courtroom for parts of the trial or public session where it is feared that such parts of the proceedings may have adverse effects upon their moral development (this applies to simultaneous trials of juveniles and adult offenders).

98. The child care authorities may, while present at the session, put forward proposals, ask questions and deliver a closing statement. They may apply for redress to the benefit of juveniles, even against the wishes of the latter. They must be provided with a copy of the sentence or ruling of the court.

99. Invitations to trials are also delivered to lawful custodians of juveniles (art. 198). They have the right to ask questions, deliver a closing statement and apply for redress to the benefit of the juveniles.

100. Juvenile criminal proceedings should be executed by investigators and judges of adequate life experience, knowledgeable in the problems of bringing up young people.

The execution of punishment of juveniles in the Slovak Republic

101. Juvenile perpetrators of criminal offences presently comprise 3.82 per cent of the inmates of penitentiaries in the Slovak Republic. Although this percentage is relatively low and has remained stable in recent years, the issue of juvenile delinquents in custody and imprisonment is given special attention. The legislation applicable to the execution of custody and of terms of imprisonment (the Law on the Execution of Custody and the Law on the Execution of Prison Sentences) confirms this fact in the respective provisions.

102. Juveniles are defined as persons who have completed their fifteenth year of life and are younger than 18 years at the time of commitment of the offence. Juveniles always serve their terms of imprisonment separated from adult inmates. Contrary to adult prisoners, juveniles do not serve in certain categories of penitential establishment (I to III in the case of adults).

103. The purpose of execution of the penalty in the case of juveniles is to ensure their reform under professional pedagogical guidance and to enable them to prepare for future employment.

104. Male juveniles (totalling 152) in the Slovak Republic serve their respective terms of imprisonment in the penitentiary for juveniles in Martin; female juveniles (3) in the Nitra-Chrenová penitentiary for women, separately from adult inmates.

105. Juveniles serving time in a penitentiary (or in the juvenile ward of a penitentiary) are divided into collectives by character, working ability, type and gravity of offences, repeated delinquency and length of sentence.

106. There are two essential differentiating categories, with identical rights and restrictions, for juvenile perpetrators; the purpose of this differentiation is to increase the effects of corrective measures. Mentally advanced juveniles are classified in category No. 1 which is subdivided into favourable and unfavourable prognosis groups. Category No. II, similarly subdivided, is reserved for intellectually below-average or defective juvenile offenders.

107. Inmates in these collectives or groups are subjected to appropriate corrective, or curative-corrective programmes. Emphatic preference is given to methods of treatment minimizing the negative effects of social isolation. Each group of juveniles, counting 10 persons at most, is committed to the case of an educator.

108. Contacts between juvenile inmates and their families are arranged so as to strengthen their family interrelations and deepen the reforming effects of the penalty. They take the form of visits, correspondence, etc. As opposed to adult offenders, juveniles may, usually without direct supervision by prison staff, receive visitors at least once each week in civilian clothes. Juvenile offenders may also correspond, and accept packages without limitations.

109. The treatment of juveniles includes suitably adapted forms and methods of cultural, educational, training and sports activities and hobby groups.

110. An educative-formative approach to juvenile detention now in preparation, envisages it as a set of activities in a training centre whose purpose is to shape and develop socially acceptable behaviour, working skills and abilities, to impart knowledge required for life in the future, and to form and promote positive spare-time self-realization capacities. The following specialized programmes are being already implemented for this purpose.

Social-psychological programmes (for example, conflictless communication training, socio-psychological exercises, etc.);

Therapeutic programmes (art therapy, musical therapy, etc.);

Education programmes;

Play therapy programmes (spare time activities);

Requalification courses;

Working courses;

Social-legal courses;

Social-pedagogical courses, etc.

111. Special attention is given to the preparation of juvenile delinquents for the time after release from prison, mainly through group care procedures, individual consultations and participation in social and cultural events outside the penitentiary and in educational excursions.

112. The accumulated experience of the individual groups and subgroups of juveniles is being permanently analysed in order to search for further possibilities to enhance the quality of treatment of juveniles in penitentiaries. Re-education and re-socialization programmes are constantly being improved. The objective is to achieve better targeted and individualized educative-formative effects upon juveniles prisoners, in accordance with European penal rules and principles.

South Africa

[12 October 1995]
[Original: English]

113. The Government of National Unity has as one of its priorities the prevention of discrimination and the protection of the fundamental human rights of all its citizens.

114. Chapter 3, article 30 of the Interim Constitution of the Government of National Unity deals specifically with children's rights. In accordance with the Convention on the Rights of the Child (CRC) the child is defined as a person under the age of 18 years and in all matters concerning such child his or her best interests shall be paramount.

115. A Steering Committee on a National Plan of Action has been formed in South Africa. This Steering Committee has already accepted the seven goals for survival, protection and development of the World Summit for Children. One of these goals is the protection of children in especially difficult circumstances.

116. A workshop on developing a National Plan of Action for children in South Africa dealt with this particular goal and identified 12 categories of children in the Criminal and Civil Justice System. The Department of Justice has already constituted a Justice Sectorial Working Group composed of representatives of the departments of Justice, South African Police Services, Correctional Services and Welfare and relevant non-governmental organizations.

117. Legislation has already been prepared to implement the Hague Convention relating to Civil Aspects of International Abduction of Children across National Borders and to designate a central authority required in terms of the

Convention. The legislation will pave the way for the accession to this Convention by South Africa. This legislation is also in line with article 11 of the Convention on the Rights of the Child which requires States parties to take measures to combat the illicit transfer and non-return of children abroad and to promote the conclusion of bilateral or multilateral agreements in this regard.

118. The South African Police Services are at present involved in the National Plan of Action for Children in South Africa, with the emphasis on children in extremely difficult circumstances, especially those who have come into conflict with the law and those who are subjected to abuse.

119. A new policy has been formulated in the South African Police Services in which chapter 3 of the Interim Constitution has been taken into consideration. This policy will serve as a National Order for all personnel in the South African Police Services.

120. Briefly, the contents of this National Order are the following:

Children shall not in any way be assaulted, threatened, ill-treated or in any way be subjected to any form of inhumane or degrading treatment;

Parents, guardians and social workers shall be notified in the case of an arrest;

Information regarding his/her rights, as well as the reason for detention shall be conveyed in a language which the child will understand;

Children shall be detained separately from adults.

121. The police are participating in many State as well as non-governmental organizations' committees where the interests of children are discussed.

122. In a bid to give impetus to the President's wishes and the Government of National Unity's commitment to keep unconvicted children out of prison, the Correctional Services Act, 1959 (Act 8 of 1959) was amended during 1994. The President subsequently approved the Correctional Service Amendment Act, 1994 (Act 17 of 1994), with effect from May 1995.

123. The entry into effect of this Act entails that the unconvicted children concerned must be placed in the custody of either their parents, a guardian or any other suitable person or they will be kept in a place of safety as defined in the Child Act.

124. At present, children are accommodated separately from adult prisoners in sections of prisons.

125. The Department of Correctional Services plans to establish youth development centres to enable it to provide separate facilities and specifically designed detainment and treatment programmes for juveniles, in accordance with international standards.

126. Currently the staff component dealing with juveniles consists of social workers, chaplains, educationalists, psychologists, caterers, nursing personnel, disciplinary and administrative personnel.

127. Juveniles in prison are also part of society and should be afforded the same opportunity as their counterparts outside prison. The Department of Correctional Services has therefore established a Directorate for Youth Offender Services to determine national policy and to manage the detention and treatment of juveniles in youth development centres on a full-time basis.

128. South Africa signed the Convention on the Rights of the Child on 28 January 1993. Ratification of the Convention took place on 16 June 1995, which date is celebrated as Youth Day in South Africa. It is also recognized by the United Nations and the Organization of African Unity as the Day of the African Children with celebrations throughout the world.

Thailand

[10 August 1995]
[Original: English]

129. The juvenile justice system in Thailand is aimed at assisting young offenders to become meaningful members of society. It seeks to address the root causes of juvenile crimes rather than punish the offenders. In civil cases, its objective is to ensure that juveniles' rights and interests are protected.

The Juvenile and Family Court

130. The Juvenile Court in Thailand was established in 1952 by the provisions of the Juvenile Court Act and the Juvenile Code Act of 1951. In 1991, the Thai Government introduced new legislation aimed at improving the juvenile justice system. As a result, the two Acts of 1951 were rescinded and replaced by the new legislation - the Juvenile and Family Court and its Procedural Code Act of 1991, which came into force on 22 January 1952.

131. The guidelines relating to the treatment of juvenile offenders are stipulated in articles 32 to 57 of the Juvenile and Family Court and its Procedural Code Act of 1991. The governmental bodies responsible for implementing those guidelines are the Juvenile and Family Court and the Observation and Protection Centre.

132. The juvenile justice system is different from the general administration of justice in seven major ways:

(i) The consideration of a juvenile case is undertaken in confidentiality and in a room separate from adult cases;

(ii) Some flexibility may be exercised when considering cases involving juvenile offenders;

(iii) An investigation will be conducted into a juvenile's social background and his or her behaviour. The findings of the investigation will be submitted to the Juvenile and Family Court when it considers the pertinent case;

(iv) Juveniles under investigation or awaiting trial are kept in a detention facility that is separate from that of adults;

(v) Juvenile offenders will receive both physical and psychological examination;

(vi) The Juvenile and Family Court may change the final verdict if it deems appropriate;

(vii) The Juvenile and Family Court can consider cases involving family members.

133. There are now 11 juvenile and family courts in Thailand. One is situated in Bangkok and the 10 others are scattered in different regions throughout the country.

The observation and protection centre

134. The Observation and Protection Centre is the institution that provides care, protection and training to juvenile offenders with a view to assisting them to assume socially constructive and productive roles in society. At the Centre, juvenile offenders are detained separately from adults in accordance with article 37 of the Convention on the Rights of the Child and to the United Nations rules for the Protection of Juveniles Deprived of their Liberty.

135. The mandate and responsibilities of the Observation and Protection Centre include:

(i) Keeping juveniles under investigation and those awaiting trial under detention. A juvenile might be temporarily released depending on the discretion of the Centre's director or on request for bail by his or her parents or guardian;

(ii) Making an inquiry, upon the admission of a juvenile, into his or her social background, behaviour, education, physical and mental health, occupation and the financial status of his or her family;

(iii) Submitting social inquiry reports to the Juvenile and Family Court for consideration;

(iv) Providing welfare and care to juveniles during detention, including accommodation, food, clothing and bedding, personal hygiene, exercise and medical service;

(v) Providing formal education, vocational training and physical and mental rehabilitation to detained juveniles;

(vi) Giving assistance to juveniles after release where necessary.

Ukraine

[30 November 1995]
[Original: Russian]

136. One priority in Ukraine's domestic policy is the promotion and protection of children's and minors' rights. Ukrainian legislation meets the requirements of the United Nations Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and other international standards on the subject.

137. As a general rule, persons who have attained the age of 16 when they commit an offence may be held criminally responsible; in the case of a few extremely serious offences (homicide, premeditated grievous bodily harm, banditry, robbery and so forth), the age of responsibility is 14 years.

138. A person under the age of 18 when committing an offence cannot be sentenced to more than 10 years' deprivation of liberty. Under article 24 of the Ukrainian Penal Code, persons under 18 years of age may not be sentenced to death.

139. By comparison with adults (over 18), Ukrainian legislation affords minors additional safeguards of the right to defence and authorizes judicial bodies to exempt them from criminal responsibility or from serving sentence.

140. A preliminary investigation is mandatory in all cases concerning offences committed by minors. Such cases are entrusted to investigators who specialize in cases of this kind. Participation by defence counsel is mandatory from the moment charges are brought; if a minor is detained or held in custody as a measure of restraint, defence counsel must be present from the moment the detention order or ruling requiring his restraint is read out to him (not more than 24 hours after he is detained).

141. The parents or individuals in loco parentis must be notified when a minor is detained or taken into custody, and the minor's workplace or school must be informed. An appeal against detention or custody may be lodged through the courts.

142. Under the Ukrainian Code of Criminal Procedure, minors are guaranteed an open and fair hearing in court, as called for in article 40 of the Convention on the Rights of the Child.

143. On 24 January 1995 the Supreme Council of Ukraine passed a law on bodies and services concerned with minors' affairs and special institutions for minors. This gives a legal underpinning to the activities of the bodies, services and institutions concerned, and makes the special institutions responsible for ensuring the social welfare of, and preventing crime among,

those under the age of 18. It also calls for the establishment of a fundamentally new, independent service operating within the Ministry of Internal Affairs system: a militia responsible for minors' affairs.

144. On 8 July 1995, the Ukrainian Cabinet of Ministers adopted Order No. 502, entitled "Establishment of a penal militia for minors' affairs". This ratified the Regulations on the Penal Militia for Minors' Affairs which lay down the structure, legal underpinnings, rights and obligations of a service to prevent and combat crime among minors. The new service will concentrate on manifestations of criminality among the young and protecting minors against adverse influences from adults.

Uruguay

[14 September 1995]
[Original: Spanish]

145. The Eastern Republic of Uruguay fully concurs with the views upheld by resolution 1995/41.

146. Domestically, the recent adoption of Act No. 16,707, known as the "Citizens' Security Act", modifies the procedures for the investigation of acts in which minors in conflict with the law are involved. The presence of the minor's defence counsel in the investigatory bodies and the reaffirmation that the minor is a subject of law is a significant step forward in our country's legislation concerning minors.

147. Likewise, and in connection with operative paragraph 11 of resolution 1995/41, the Supreme Court of Justice has given specific instructions to juvenile magistrates stressing the fact that the committal of minors to public institutions is the last option to be considered for the rehabilitation of juvenile offenders. In this connection, the following educational measures are given preference to this option:

(a) Reintegration of the minor into his home;

(b) Reparation of the damage caused;

(c) Community work;

(d) Appearance before the central judicial authorities at specified intervals;

(f) Ban on frequenting particular places;

(g) Entrusting the minor to third parties;

(h) Committal to public institutions.

148. Without prejudice to the foregoing, the Government of Uruguay considers that it would be highly beneficial to receive technical assistance through the advisory services programmes in order to reinforce the training of judges, prosecutors, social workers and police personnel in subjects related to the administration of justice to minors.

II. INFORMATION RECEIVED FROM THE COMMITTEE ON THE RIGHTS OF THE CHILD

[1 November 1995]
[Original: French]

149. The Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and to the need to use international technical cooperation, as recommended in the provisions of article 45 of the Convention on the Rights of the Child, in order to foster the effective achievement of the rights of children in this area.

150. When considering the reports submitted by States parties to the Convention, the Committee considers the situation of children in the light of the relevant articles of the Convention, namely articles 37, 39 and 40, taking due account of the general principles underlying the Convention (art. 2 on non-discrimination; art. 3 on the best interests of the child; and art. 12 on respect for the views of the child).

151. In the conclusions adopted by the Committee after its exchange of views with States parties, matters relating to the administration of juvenile justice and, more particularly, to the situation of children deprived of liberty are generally the subject of serious concerns and of suggestions by the Committee regarding the possibility of using advisory services and technical assistance in this field.

152. In the light of the experience gained in the consideration of the reports of States parties, and its participation in the United Nations expert group meeting on children and juveniles in detention, held at Vienna in October-November 1994, the Committee has decided to engage in a general debate at its current session, on 13 November 1995, on the question of the administration of justice for minors. The two main topics to be considered during the debate will be the relevance of the effective implementation of existing standards and the value of international cooperation in the form of programmes of technical assistance.

153. The conclusions and recommendations emerging from the debate, which will be recorded in the Committee's report on the work of its tenth session, will undoubtedly be of assistance in shaping strategies for coordinating programmes of technical assistance in the field of juvenile justice.

III. INFORMATION RECEIVED FROM THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

154. The Commission on Human Rights, in paragraph 6 of its resolution 1995/41 urged the High Commissioner for Human Rights to consider favourably requests by States for assistance in the field of the administration of justice and to

strengthen system-wide coordination in this field, in particular between the United Nations programme of advisory services and technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme.

155. In addition, in paragraph 14 of that resolution, the Commission requested the High Commissioner to pay special attention to the subject of juvenile justice and, in close cooperation with the Crime Prevention and Criminal Justice Branch, the Committee on the Rights of the Child and the United Nations Children's Fund, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice.

156. Activities aimed at developing strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice constitute an integral part of the High Commissioner's mandate as set out in General Assembly resolution 48/141 in which the Assembly decided that the High Commissioner for Human Rights would be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General and entrusted him with the responsibility for, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance.

157. The General Assembly has vested the High Commissioner with specific responsibility for coordinating human rights activities throughout the system. The approach taken in this regard is in line with the Vienna Declaration and Programme of Action. To implement this part of his mandate, the High Commissioner has concluded working agreements with the United Nations agencies and programmes. 1/

158. Under the supervision and guidance of the High Commissioner, the Centre for Human Rights has developed concrete cooperation with the Crime Prevention and Criminal Justice Branch in its activities relating to the application of international standards concerning the human rights of detained juveniles. In particular, an expert group meeting on children and juveniles in detention was organized by the Centre for Human Rights, with the cooperation of the Crime Prevention and Criminal Justice Branch and the Government of Austria, at Vienna from 30 October to 4 November 1994. The Commission on Human Rights, in its resolution 1995/41, took note with appreciation of the recommendations of the meeting.

159. Support for improvements in the administration of justice at the national level continued to be a priority focus under the technical cooperation programme in 1995, as reflected both in the programme's substantive research and development activities, and in the implementation of technical cooperation projects by the Centre for Human Rights. The programme has published a handbook on human rights in pre-trial detention, and completed work on a training manual for law enforcement officers. Similar volumes for prison officials, and for lawyers and judges will be forthcoming in 1996.

1/ See E/1995/112, paragraph 8.

160. At the country level, projects directed variously to police, prison officials, lawyers, judges, prosecutors and others involved in the administration of justice were implemented this year in Argentina, Benin, Burundi, Cambodia, Egypt, Equatorial Guinea, Malawi, Mongolia, Palestine, Sao Tome and Principe and The Former Yugoslav Republic of Macedonia. Details of these activities are provided in the report of the Secretary-General on advisory services and technical cooperation in the field of human rights (E/CN.4/1996/90).

161. It is important to recall that the field of the administration of juvenile justice, and in particular the standards relating to juveniles deprived of their liberty, has become the subject of increasing and very special interest on the part of different sectors of the United Nations system. On 13 November 1995, the Committee on the Rights of the Child held a general debate on the question of the administration of justice for minors. Representatives of a number of United Nations specialized agencies and the Crime Prevention and Criminal Justice Branch actively participated in the debate. Two basic areas were considered during the debate, namely the relevance of the effective implementation of existing standards and the value of international cooperation, in particular through programmes of technical assistance. The consideration of these areas emphasized the importance of accountability for the protection of, and respect for, the human rights of children, while stressing the need to foster international solidarity for the realization of those rights. The deliberations of this meeting can be found in the report of the Committee on the Rights of the Child on its tenth session (CRC/C/46).

162. The High Commissioner intends to strengthen the activities of the Centre for Human rights concerning children in detention, including the programme of advisory services and technical assistance, to provide for practical projects to be carried out at the country or regional level.

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Fifty-second session
Item 8 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Detention of international civil servants and their families

Updated report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1995/39

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INTRODUCTION

1. In its resolution 1995/39, the Commission on Human Rights requested the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention on the Safety of United Nations and Associated Personnel, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the preparation of the last report, and on the implementation of the measures referred to in the resolution. The present report is submitted pursuant to that resolution.

2. For background information, see the report submitted to the Commission at its fifty-first session (E/CN.4/1995/40, paras. 1 to 19).

I. RECENT DEVELOPMENTS

A. Note by the Secretary-General to the Fifth Committee of the General Assembly

3. A note dated 9 October 1995 and submitted by the Secretary-General to the Fifth Committee of the General Assembly on behalf of the members of the Administrative Committee on Coordination on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/50/3) covers the period from 1 July 1994 to 30 June 1995. In its section II, on the security and safety of officials, it states that the fact that 14 civilian staff members, belonging to different organizations, lost their lives during the reporting period and through the preparation of that report is of particular concern. Annex II to the report contains the following list of staff members who have lost their lives since 1 July 1994:

Name	Nationality	Agency	Place/date of incident	Cause of death
Lopez-Herrera, Jose	France	UNHCR	Kirundo, Burundi 13 August 1994	Gunshot wounds
Murenzi, Jules	Rwanda	WFP	Gikongoro, Rwanda 30 August 1994	Gunshot wounds
Mahmoodi, Mehrali	Islamic Republic of Iran	UNHCR	Milak Bes, Islamic Republic of Iran 3 September 1994	Knife wounds
Ibrahim, Labib	Egypt	UNICEF	Qena, Egypt 17 September 1994	Gunshot wounds during ambush
Tembe, Alfredo	Mozambique	UNDP	Maputo, Mozambique 24 September 1994	Gunshot wounds
Sacramento, Joachim	Sao Tomé and Principe	WFP	Luanda, Angola 25 October 1994	Gunshot wounds

Name	Nationality	Agency	Place/date of incident	Cause of death
Emana, Diriba	Ethiopia	ECA	Addis Ababa, Ethiopia 8 November 1994	Killed during robbery
Naingonn, Yamnalbaye	Cameroon	UNICEF	Maroua Province, Cameroon 14 November 1994	Gunshot wounds during ambush
Sultan, Majdi Ahmad	Palestine	UNRWA	Gaza city 18 November 1994	Stray bullet
Hailu, Zekarias	Ethiopia	UNHCR	Moyale, Ethiopia 22 December 1994	Gunshot wounds
Lahrache, Ouassini	Algeria	United Nations	Algiers, Algeria 7 March 1995	Gunshot wounds
Sengɔga, Alphonse	Burundi	UNICEF	Bujumbura, Burundi 2 April 1995	Ethnic violence
Vila, Munira	Bosnia and Herzegovina	UNPROFOR	Sarajevo, Bosnia and Herzegovina 15 April 1995	Sniper fire
El-Khawaja, Mahmoud Arafat	Palestine	UNRWA	Gaza Strip 22 June 1995	Gunshot wounds

4. Annex I of the note by the Secretary-General summarizes the cases of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection. That list is reproduced in the annex to the present report.

5. The Secretary-General recalled that the safety and integrity of United Nations personnel must be respected and stressed that, in the case of the organizations of the United Nations system and their officials, Governments are considered to have a special responsibility under the Charter of the United Nations or respective constitutional instruments of other organizations of the United Nations system. It is recognized that the United Nations is increasingly called upon to operate in areas where there is no Government or where the Government is unable to fulfil its commitments under the Charter.

6. Over the past two years, the trend has been for a decrease in the number of staff members arrested or detained. Regrettably, this trend has now been reversed by the aggravated situation existing in Rwanda, where numerous locally recruited United Nations staff members have been detained. A number of initiatives have been taken both at the local level by the Special Representative of the Secretary-General and by the United Nations Resident Coordinator, as well as by other senior officials visiting Rwanda, to bring to

the attention of Rwandan authorities the unresolved questions relating to those cases. In addition, a legal representative has been dispatched to Kigali with the purpose of further pursuing the dialogue with the Rwandan authorities on the question of the detention of United Nations staff members.

7. Another concern relates to the drafting into military service of local staff working for the United Nations Peace Forces. There have been growing numbers of instances where, in contravention of article V, section 18 (c), of the Convention on the Privileges and Immunities of the United Nations, locally recruited staff members of the Organization have been drafted into the military services.

8. With regard to restrictions of official and private travel of officials of the United Nations, the specialized agencies and related organizations, restrictions imposed by the United States authorities on the private travel by staff members and their dependants who are nationals of particular countries remained in force. In that regard, the Secretary-General maintained his well-known position of principle, which he has expressed on several occasions in the past, that such restrictions applied to United Nations staff solely on the basis of nationality are discriminatory.

9. Information concerning travel restrictions on UNRWA personnel is provided below (para. 12).

B. Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs

1. United Nations Relief and Works Agency for Palestine Refugees in the Near East

(a) Arrest and detention of UNRWA staff

10. There was a continuing reduction in the number of staff members who were arrested and detained by the Israeli authorities during the reporting period; a total of 10 were detained in the West Bank, compared with 15 in the West Bank in the preceding year. Two remained in detention as at 30 June 1995. Following the establishment of the Palestinian Authority, a total of 58 staff members in the Gaza Strip were arrested and detained by the Palestinian Police Force during the period, by the end of which 9 were still in detention. A total of 4 staff members were detained in Jordan, 2 in the Syrian Arab Republic and 1 in Lebanon, of whom only 1 staff member in Jordan remained in detention by the end of the reporting period. A total of 75 staff members were detained throughout the area of operations during the period under review; of these, 61 were released without charge or trial, 2 were sentenced and 12 remained in detention as at 30 June 1995.

11. As in previous years, while the Agency continued to make frequent approaches to the relevant authorities in all its areas of operation, it was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. The Agency had access to one staff member from the West Bank and two from the Gaza Strip detained by the Israeli

authorities in prisons and detention centres in Israel. In comparison with previous years, UNRWA experienced noticeably more difficulty in obtaining access to staff detained by the Israeli authorities, despite strenuous efforts to do so. The Agency has so far obtained access to one staff member detained by the Palestinian Authority. Although these detentions have tended to be for relatively short periods, the treatment and state of health of staff members in detention continued to be of particular concern to the Agency, with staff members complaining, after their release by the Israeli authorities, of having been subjected to various forms of physical and psychological mistreatment. Despite continued approaches to the relevant Governments, the Agency remained unable to visit staff detained in Jordan, Lebanon and the Syrian Arab Republic.

(b) Travel restrictions

12. During the reporting period, the Israeli authorities instituted progressively stricter measures by way of exit permits and checkpoint controls, including searches, further to those reported last year, on entry into and exit from the Gaza Strip and the West Bank. As a result, the movement of UNRWA staff and vehicles into and out of the West Bank and the Gaza Strip was considerably impeded and on occasion prevented. On a number of occasions, following incidents inside Israel, permits were cancelled generally and their replacement resulted in substantial delays in the running of the Agency's operations. The sealing of the West Bank and the Gaza Strip from Israel during Israeli holidays also resulted in substantial delays. The Agency had at times to use international staff members as drivers, to alleviate in a practical manner the difficulties encountered. Difficulties were exacerbated during the reporting period, with UNRWA staff who held West Bank and East Jerusalem identity cards being prevented from entering the Gaza Strip without special permits, which at times were obtained by staff members only after lengthy delays. Israeli military personnel repeatedly insisted on subjecting UNRWA vehicles leaving the Gaza Strip, including vehicles carrying senior Agency officials, to various forms of search, including partial dismantling and the use of inspection pits, on occasion causing damage to UNRWA vehicles. Those searches extended to inspection of the Agency's diplomatic pouch. The personal belongings of staff members, including those of international staff, were on occasion also searched. The intermittent closure of certain roads within the Gaza Strip by the Israeli authorities also caused practical difficulties in the movement of staff and vehicles and the delivery of Agency services. There continued to be lengthy delays in the clearance of local staff for official travel through Israel as well as between the West Bank and Jordan via the Allenby Bridge.

(c) Security and safety of UNRWA staff

13. Two staff members were killed during the period under review, in comparison with four during the previous year. On 18 November 1994, during disturbances in Gaza City, an UNRWA school attendant visiting a hospital there was hit by a stray bullet and died instantly. On 22 June 1995, an UNRWA sanitation labourer was shot dead by unknown gunmen in Beach Camp in the Gaza Strip.

14. Following the entry into effect of the provisions of the Cairo Agreement of 2 May 1994, referred to in last year's report, the Agency continued to experience a decreasing trend in instances of mistreatment of staff members in the occupied territories by members of the Israeli security forces. Twelve such cases in the West Bank and none in the Gaza Strip were reported.

2. Office of the United Nations High Commissioner for Refugees

15. With regard to respect for the privileges and immunities of officials of the United Nations system, it is advised that the overall situation shows little sign of improvement.

16. Indicators of lack of respect for privileges and immunities include kidnappings, detentions, vehicle hijackings, arbitrary vehicle searches, arbitrary searches of personal belongings, etc. Many of these acts are not investigated by the local authorities and, as a consequence, the impression is created that they can be indulged in with total impunity. It is this that leads to the incidents of killing which have become such a tragic feature of United Nations operations in many parts of the world.

17. What, if anything, can be done about this situation? The breakdown of strong central authority in many of UNHCR's areas of operation has led to serious deficiencies in the application of the rule of law. In such circumstances, there is little that can be done other than formally and vigorously to protest each incident of failure to respect the privileges and immunities of staff and ensure that they are mentally as prepared as possible, through training, briefings and access to protective equipment, to deal with potentially dangerous or life-threatening situations. In addition, the immediate availability of stress-management professionals to deal with critical incident debriefings will be of immense benefit to them.

3. International Labour Organisation

18. ILO had its international staff evacuated from Rwanda in the light of the civil strife. Thereafter, five local ILO officials of Rwandan nationality were killed there. ILO has not made a specific request to the new Government in regard to possible action it might take, but should the United Nations make such a request, these five cases should be included.

II. RECENT CASES

19. On the occasion of the consideration of recent cases, the Secretary-General wishes to congratulate the Association for the Security and Independence of International Civil Servants (ASIICS) on its activities, particularly on its being awarded the René Maheu International Civil Service Prize on 17 November 1995. According to its regulations, the prize, which was named after the former Director-General of UNESCO, Mr. René Maheu, is intended to "promote the prestige of the international civil service, in the spirit of the United Nations Charter and the Constitution of UNESCO". ASIICS was awarded the prize for its successful action since 1988 with various United Nations bodies with a view to the adoption of decisions protecting international civil servants from threats to their security, independence and

at times their lives, for its training and information activities and for its defence of individual cases, in particular before the administrative tribunals of the United Nations system. The Secretary-General draws the attention of the Commission on Human Rights to the following cases which are either still pending or recently clarified:

Pending cases

Carmelo Soria Espinosa case

20. The case of Carmelo Soria Espinosa, a staff member of the Economic Commission for Latin America and the Caribbean (ECLAC), murdered in Santiago, Chile, on 14 July 1973, by agents of the Mulchen Brigade of the National Intelligence Agency (DINA), was reconsidered by the Supreme Court of Chile in May 1995. The Court decided that two of the suspected killers, retired Colonel Guillermo Humberto Salinas Torres and retired Sergeant José Remigio Ríos San Martín, would be prosecuted, respectively, as the perpetrator of and accomplice in the murder of Carmelo Soria. The judge handling the case denied the request that several of the other persons involved in the murder of Carmelo Soria, including three members of the armed forces on active duty, should be summoned to appear.

21. In a press release dated 25 May 1995, ECLAC expressed the hope that the case would be definitively settled and justice done. The release also recalled that the United Nations was willing to cooperate fully with the judicial authorities.

Alec Collett case

22. On 25 March 1995, it was 10 years since Alec Collett was kidnapped near Beirut, Lebanon, while on assignment for UNRWA. Alec Collett, formerly a United Nations Information Officer and journalist, was taken from an UNRWA car near Beirut airport on 28 March 1985 by armed men. A group calling itself the "Revolutionary Organization of Socialist Muslims" later claimed responsibility.

23. During Mr. Collett's first year in captivity, two videotapes were issued by his abductors in which he sent messages to his family. In April 1986, a videotape was received by a Beirut television station, which purported to show Mr. Collett being hanged. It was, however, impossible formally to identify Mr. Collett on the tape.

24. Nothing further had been heard about Mr. Collett's fate despite repeated appeals for information about his whereabouts.

25. From 12 to 13 June 1995, a joint staff management mission was conducted in Beirut. The mission comprised the President of the Committee for the Security and Independence of the International Civil Service (CSIICS), the Assistant Secretary-General for Human Resources Management, Mrs. Elaine Collett and the Chairman of CSIICS.

26. Shortly after its arrival in Beirut the team was provided with documents indicating that Mr. Collett had probably been executed in the spring of 1986

and his body buried in the Bekaa Valley. Acting on this information the Government of Lebanon immediately dispatched a team to investigate the report. That team confirmed the existence of a gravesite. A second team comprising United Nations officials was to try to disinter the remains and transfer them to Beirut for further identification; however, various events prevented the team from carrying out its task.

27. Later, the United Nations Security Coordinator, undertook a mission to Lebanon to investigate the case further. The Secretary-General, and the United Nations Security Coordinator on his behalf, reiterate that they are fully committed to resolving the case as expeditiously as possible.

Recently clarified case

28. On 16 May 1994 and 7 July 1994, the Economic Commission for Africa (ECA) informed the United Nations Security Coordinator that Mr. Nadew Kassa, dependent son of Mr. Tsegaye Kassa (Ethiopia), a locally recruited staff member of ECA, had been detained since early February 1994 (see A/C.5/49/6; E/CN.4/1995/40). The Field Security Officer in Addis Ababa has advised the United Nations Security Coordinator that Mr. Nadew Kassa has been at liberty since his release on bail on 5 April 1994.

III. STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

29. By resolution 49/59 of 9 December 1994, the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel. (For background on the Convention, see E/CN.4/1995/40, paras. 50-57).

30. The adoption of this Convention is a real step forward in that the problems raised by the increasing number of missions in crisis situations are taken into consideration. It should, however, be noted that certain bodies, including the Inter-Agency Standing Committee, had pointed out that the coverage offered by the Convention was limited to personnel of missions decided upon by the Security Council and that it did not include all members of United Nations missions without distinction as to the type of mandate entrusted to them. It was urged in particular that the scope of application of the Convention should be extended to all United Nations staff members on missions and to the personnel associated with these missions, no matter what the nature of the mission.

31. As at November 1995, 1/ the status of signatures and ratifications of the International Convention on the Safety of United Nations and Associated Personnel was as follows:

1/ Multilateral Treaties deposited with the Secretary-General, Status as at 31 December 1994 (ST/LEG/SER.E/13); Supplement to ST/LEG/SER.E/13 - November 1995.

Participant	Action	Date
Argentina	Signature	15 December 1994
Canada	Signature	15 December 1994
Denmark	Signature	15 December 1994
Finland	Signature	15 December 1994
New Zealand	Signature	15 December 1994
Norway	Signature	15 December 1994
Panama	Signature	15 December 1994
Portugal	Signature	15 December 1994
Sweden	Signature	15 December 1994
Ukraine	Signature	15 December 1994
Italy	Signature	16 December 1994
Haiti	Signature	19 December 1994
Spain	Signature	19 December 1994
United States of America	Signature	19 December 1994
Bangladesh	Signature	21 December 1994
France	Signature	12 January 1995
Samoa	Signature	16 January 1995
Germany	Signature	1 February 1995
Brazil	Signature	3 February 1995
Sierre Leone	Signature	13 February 1995
Senegal	Signature	21 February 1995
Tunisia	Signature	22 February 1995
Philippines	Signature	27 February 1995
Pakistan	Signature	8 March 1995
Malta	Signature	16 March 1995
Poland	Signature	17 March 1995
Denmark	Ratification	11 April 1995
Honduras	Signature	17 May 1995
Luxembourg	Signature	31 May 1995
Japan	Signature	6 June 1995
Japan	Acceptance	6 June 1995
Norway	Ratification	3 July 1995
Bolivia	Signature	17 August 1995
Ukraine	Ratification	17 August 1995
Russian Federation	Signature	26 September 1995
Romania	Signature	27 September 1995
Liechtenstein	Signature	16 October 1995
Belarus	Signature	23 October 1995
Fiji	Signature	25 October 1995
Uruguay	Signature	17 November 1995

32. The Secretary-General urges the largest possible number of States to ratify the Convention.

Annex

CONSOLIDATED LIST a/ OF STAFF MEMBERS UNDER ARREST AND DETENTION OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS HAVE BEEN UNABLE TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

Name	Agency	Place and date of incident
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Mr. Izzedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mr. Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Daulat Mir	FAO	Detained on 28 August 1984 and subsequently conscripted into military service in Afghanistan.
Mr. Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan.
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988.
Mr. Mohammed Omar	FAO	Detained and conscripted on 17 May 1989 into military service in Afghanistan.
Mr. Abdul Fattah	WFP	Abducted in Pakistan by unknown elements on 3 September 1989.
Mr. Ahmad Mohamed Ali	"	Detained in Somalia by the Somali National Security Service since 25 May 1990.

Name	Agency	Place and date of incident
Mr. Kassu Asgedom	WFP	Detained in Ethiopia since 4 September 1991.
Mr. Hasan Mohammad Hammad	UNRWA	Detained in the West Bank since 15 February 1993.
Mr. Sami Abdalla Abu Hmaiseh	"	Detained in the Gaza Strip since 11 April 1993.
Mr. Jaber Ali Wahdan	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.
Ms. Sara J'areh	UNRWA	Detained in the West Bank since 24 September 1993.
Mr. Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Mr. Vincent Habineza	UNICEF	Detained in Kigali, Rwanda, since 22 September 1994.
Mr. Alfred Rusigariye	UNAMIR	Detained in Kigali, Rwanda, since 22 September 1994.
Mr. Elizier Cyimanizanye	UNICEF	Detained in Kigali, Rwanda, since 28 October 1994.
Mr. Deo Idanumbira	UNDP	Missing in Rwanda, since 1 November 1994.
Mr. Benoit Ndejeje	"	Detained in Kigali, Rwanda, since 11 November 1994.
Mr. Jean-Marc Ulimubenshi	UNHCR	Detained in Cyangugu, Rwanda, since 15 November 1994.
Mr. Pascal Sebyatsi	WFP	Detained in Kigali, Rwanda, since 6 December 1994.
Mr. Azzam Husni Attaleh	UNRWA	Detained in the West Bank since 12 December 1994.
Mr. Tharcisse Sibomana	UNHCR	Detained in Butare, Rwanda, since 29 December 1994.
Mr. Jean Bosco Rwagaju	"	Detained in Gikongoro, Rwanda, since January 1995.

Name	Agency	Place and date of incident
Mr. Jean Chrisostome Muvunyi	UNHCR	Detained in Gikongoro, Rwanda, since 9 January 1995.
Mr. Charles Ngendahimana	"	Detained in Gikongoro, Rwanda, since 10 January 1995.
Mr. Ahmad Haj Ali Ahmad	UNRWA	Detained in the West Bank since 22 January 1995.
Mr. Khaled Ismail Bakhit	"	Detained in the Gaza Strip by the Palestinian Authority since 29 January 1995.
Mr. Alfred Nsinga	UNAMIR	Detained in Kigali, Rwanda, since 8 February 1995.
Mr. Mathieu Nsengiyaremye	UNHCR	Detained in Cyangugu, Rwanda, since 12 February 1995.
Mr. Luc Birushya	UNDP	Detained in Kigali, Rwanda, since 13 March 1995.
Mr. Athanase Ngendahimana	"	Detained in Kigali, Rwanda, since 25 March 1995.
Mr. Joseph Nsabimana	UNHCR	Detained in Butare, Rwanda, since 25 March 1995.
Mr. Aloys Byugura	UNICEF	Detained in Muhima, Rwanda, since 4 April 1995.
Mr. Ahmad Mohammed Hamdan	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 9 April 1995.
Mr. Prosper Gahamanyi	UNDP	Detained in Kigali, Rwanda, since 12 April 1995.
Ms. Clotilde Ndagijimariya	UNICEF	Detained in Butare, Rwanda, since 14 April 1995.
Mr. A. Madi Muhareb El Haj	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 15 April 1995.
Mr. Bassam Khalid El Aila	"	Detained in the Gaza Strip by the Palestinian Authority since 15 April 1995.

Name	Agency	Place and date of incident
Mr. Alexis Mbanzamihigo	UNAMIR	Detained in Gitarama, Rwanda, since 24 April 1995.
Mr. Hasan Ibrahim El Muzayyen	UNRWA	Detained in the Gaza Strip by the Palestinian El Muzayyen Authority since 30 April 1995.
Mr. Mazin Arbid	"	Detained in the Gaza Strip by the Palestinian Authority since 18 May 1995.
Mr. Hasan A. Hamid Deeb	"	Detained in the Gaza Strip by the Palestinian Authority since 20 June 1995.
Mr. Boniface Rutagungira	UNICEF	Detained in Kigali, Rwanda, since 20 June 1995.
Mr. Mahmoud Sager El Zatma	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 24 June 1995.
Mr. Imad Ibrahim Kh. Mustafa	"	Detained in Jordan since 24 June 1995.
Mr. Khaled Mohd Sheikh El Eid	"	Detained in the Gaza Strip by the Palestinian Authority since 26 June 1995.
Mr. Maher Salem	"	Detained in the Gaza Strip by the Palestinian Authority since 25 July 1995.
Abbas Sempija	UNHCR	Detained in Kigali, Rwanda, since 7 August 1995.

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a/ The consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 7 August 1995. The list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past or on the cases where staff members have lost their lives in the performance of official duties.